UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/19
3 February 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Report of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights resolution 1998/72

CONTENTS

		Paragraphs	Page
Introduction		1 - 3	2
I.	ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AS CONTAINED IN HER MANDATE	4 - 8	2
II.	IMPLEMENTATION OF RESOLUTIONS OF THE COMMISSION AND THE GENERAL ASSEMBLY WITH REGARD TO THE RIGHT TO DEVELOPMENT	9 - 12	4
III.	INTERAGENCY COORDINATION WITHIN THE UNITED NATIONS SYSTEM FOR THE IMPLEMENTATION OF RELEVANT RESOLUTIONS OF THE COMMISSION	13 - 17	5

GE.99-10825 (E)

Introduction

1. In its resolution 1998/72, the Commission on Human Rights decided to recommend to the Economic and Social Council the establishment of a follow-up mechanism to the 1986 Declaration on the Right to Development, initially for a period of three years, consisting of an open-ended working group and an independent expert appointed by the Chairman of the Commission on Human Rights. It also invited the High Commissioner for Human Rights to present a report for its consideration each year for the duration of the mechanism, to provide interim reports to the working group and to make these reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in the High Commissioner's mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(c) Interagency coordination within the United Nations system for the implementation of relevant resolutions of the Commission.

2. The present report follows the above-mentioned structure.

3. Information about the implementation of the right to development and problems related thereto can also be found in the report of the High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action to the General Assembly at its fifty-third session (A/53/372); the report of the Secretary-General on coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, submitted to the Economic and Social Council at its substantive session in July 1998 (E/1998/60); and the report of the High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action submitted to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/9).

I. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AS CONTAINED IN HER MANDATE

4. Pursuant to General Assembly resolution 48/141, the High Commissioner for Human Rights has specific responsibility for the promotion, protection and the realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose. However, taking into account the overall relevance of the right to development to all human rights, the High Commissioner assumes other responsibilities in connection with this right.

5. The Office of the High Commissioner for Human Rights (OHCHR) attaches particular importance to catalysing promotion and implementation of the right to development by Governments, United Nations agencies and programmes, other international organizations, civil society, and the corporate sector. Only the involvement of all partners can produce tangible results.

6. For a long time, the notion of "civil society" in the area of human rights was identified with non-governmental organizations and academic institutions. At present, with the advance of technology and globalization processes determining to a large extent the living conditions of individual societies, it is of vital importance that the corporate sector take fully into account in its activities the dignity and rights of the human being. United Nations human rights organs and bodies have been drawing the attention of the intergovernmental financial institutions to the human rights dimension of development. While respecting international human rights standards, the corporate sector should also identify its role in the promotion of a human-centred sustainable development at the global level. OHCHR is ready to assist this process.

7. OHCHR has been involved in the following activities, inter alia:

(a) The United Nations Development Assistance Framework (UNDAF) is the centre-piece of United Nations development cooperation at the country level and is intended to serve as a process of ongoing United Nations teamwork, responsive to countries development priorities. As a contribution to this process, OHCHR provided the right to development component of a training session for UNDAF focal points/hotlines (Rome, 30-31 March 1998), including the issue of indicators and benchmarks.

(b) While the pilot phase of UNDAF was being tested in the field, OHCHR responded positively to a request by UNDP/Bamako (Mali) to participate in the mission of the Secretary-General on small arms disarmament in the sahelian sub-region, with a view to serving as facilitator in the process leading to the formulation and adoption by the Government of Mali of a code of conduct for the armed and security forces.

(c) OHCHR is responsible for chairing the United Nations Development Group (UNDG) ad hoc group on the right to development, whose mandate is to develop: (i) a common UNDG approach for enhancing the human rights dimension in development activities; (ii) a matrix outlining specific human rights goals for UNDG as a whole, as well as for individual UNDG members, including benchmarks and terms of accountability; (iii) a training module for UNDG staff on the right to development and its implications for development operations.

(d) OHCHR, UNDP and the Government of Norway jointly organized in Oslo on 2 and 3 October 1998 the Symposium on Human Rights and Human Development, which focussed on the right approach to developmental issues. Its outcome should enhance the reflection on indicators and benchmarks as tools for measuring the impact of developmental activities on the full enjoyment of human rights.

(e) In 1999, OHCHR plans to organize two regional seminars on the right to development, in Latin America and in Africa. The Caribbean and Asia will be covered in the year 2000. The independent expert on the right to development will be invited to attend these meetings.

(f) At the beginning of 1998, OHCHR and UNDP signed a memorandum of understanding, as a framework for cooperation between the two institutions. While covering the entire area of interaction between human rights and sustainable development, the first phase of the follow-up focussed on the elaboration of guidelines on human rights issues for Resident Coordinators; the preparation of a draft handbook on human rights for United Nations staff; the consideration of a draft training package for United Nations Professionals, United Nations Volunteers and Junior Professional Officers; the elaboration of human rights guidelines for UNDP programming; and the preparation of a joint funding strategy. The provision of training in Geneva to a UNDP/Bulgaria staff member on human rights issues, particularly on the right to development, and the subsequent monitoring of similar training of UNDP staff on site, are practical examples of the implementation of the Memorandum of Understanding.

8. During the Oslo Symposium, OHCHR organized an informal consultation between the independent expert on the right to development, the Special Rapporteur on foreign debt, and the independent expert on extreme poverty, given the inter-relatedness of their mandates. With a view to enhancing coordination in the implementation of their mandates, OHCHR convened a meeting on 14 December 1998 for those experts and the Special Rapporteur on the right to education and the independent expert on structural adjustment policies. (See the reports of the Special Rapporteur on foreign debt (E/CN.4/1999/47; the independent expert on extreme poverty (E/CN.4/1999/48) and the Special Rapporteur on the right to education (E/CN.4/1999/49).

II. IMPLEMENTATION OF RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS AND THE GENERAL ASSEMBLY ON THE RIGHT TO DEVELOPMENT

9. In its resolution 1998/72, the Commission on Human Rights requested the Chairman of its fifty-fourth session to appoint an independent expert with high competence in the field of the right to development, with a mandate to present to an open-ended working group at each of its sessions a study of the current state of progress in the implementation of the right to development as a basis for a focused discussion, with the substantive support of the Office of the High Commissioner. The working group will hold its first session in June 1999. In August 1998, the Chairman of the fifty-fourth session of the Commission appointed Mr. Arjun Sengupta (India) as independent expert. The annex to the present report contains the provisional work programme and the related budgetary requirements submitted by the independent expert.

10. The independent expert has established working contacts with OHCHR and the holders of other relevant mandates. At the Oslo Symposium, he had the opportunity to exchange views on the issue with some of the world's leading specialists in this field.

11. The High Commissioner reported to the General Assembly at its fifty-third session on a number of activities reflecting the status of implementation of resolution 1998/72 on the right to development (Report of the United Nations High Commissioner for Human Rights, General Assembly Official Records, Fifty-third session, Supplement No. 36 (A/53/36)).

12. Pursuant to Commission decision 1997/103, Mr. Ismail-Sabri Abdalla (Egypt) was appointed as independent expert on structural adjustment policies in 1997. Due to circumstances beyond his control, Mr. Abdalla was unable to submit his report to the second session of the working group; consequently the working group did not meet in 1997. Mr. Abdalla resigned as independent expert in September 1998. The new independent expert on structural adjustment policies, Mr. Fantu Cheru (United States of America), was appointed on 9 December 1998 by the Chairman of the fifty-fourth session of the Commission. He will submit an interim report (E/CN.4/1999/51) for consideration by the working group on structural adjustment programmes, which will meet in Geneva from 1 to 5 March 1999. The report of the working group will be submitted to the Commission on Human Rights (E/CN.4/1999/50).

III. INTERAGENCY COORDINATION WITHIN THE UNITED NATIONS SYSTEM FOR THE IMPLEMENTATION OF RELEVANT RESOLUTIONS OF THE COMMISSION

13. At its substantive session held in New York in July 1998, the Economic and Social Council adopted agreed conclusions 1998/2 on the coordination of policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action (A/53/3, chap. VI).

14. 1998 marked a turning point in the process of strengthening the United Nations system-wide approach to human rights. The implementation of the right to development has opened avenues for improved interagency cooperation and coordination; the UNDP policy paper and the policy document by the World Bank entitled "Development and human rights: the role of the World Bank", both issued in 1998, mark new approaches to human rights and development. Other developmental agencies and programmes are now including human rights components in their policies. OHCHR will continue to encourage this trend. There are ongoing contacts between OHCHR and the International Monetary Fund (IMF) and OHCHR has made preliminary contacts with the World Trade Organization (WTO).

15. On 2 May 1998, OHCHR held an informal consultation on the right to development with the United Nations Conference on Trade and Development (UNCTAD), which was also attended by representatives of the United Nations Institute for Research and Development (UNRISD), UNDP, and the International Labour Office (ILO), as well as representatives of the diplomatic, academic, and NGO community. At a follow-up meeting held on 15 May 1998, staff of OHCHR and UNCTAD and the Chairman of the Committee on Economic, Social and Cultural Rights discussed ways of integrating human rights into United Nations activities.

16. In compliance with Objective 7.4 of the World Food Summit, OHCHR and the Food and Agriculture Organization of the United Nations jointly organized, in Rome on 17 and 18 November 1998, an expert consultation to facilitate the definition of the core content of the right to food and the operationalization

of such a right by the United Nations system. OHCHR will host a meeting of the Administrative Committee on Coordination (ACC) Sub-Committee on Nutrition in Geneva from 10 to 15 April 1999 on a human rights approach to food and nutrition and programming.

17. From 22 to 24 July 1998, the World Intellectual Property Organization (WIPO) organized a Round Table on Intellectual Property and Indigenous Peoples. As a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, OHCHR supported WIPO in planning and hosting a Panel Discussion on Intellectual Property Rights and Human Rights, which was held in Geneva on 9 November 1998.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/20
28 December 1998

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1998/72

CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 3	2
REPLIES RECEIVED FROM GOVERNMENTS	4 - 33	2
Islamic Republic of Iran	4 - 15	2
Lebanon	16 - 21	4
Morocco	22 - 25	5
Portugal	26 - 33	6

GE.98-05317 (E)

INTRODUCTION

1. At its fifty-fourth session, the Commission on Human Rights adopted resolution 1998/72 in which it:

(a) Reaffirmed the importance of the right to development for every human person and all peoples in all countries, as an integral part of their fundamental human rights;

(b) Recognized that the fiftieth anniversary of the Universal Declaration of Human Rights provided an important opportunity to place human rights, and the right to development in particular, at the top of the global agenda;

(c) Welcomed the intention of the Secretary-General to give high priority to the right to development and urged all States to promote further the right to development as a vital element in a balanced human rights programme;

(d) Decided, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to recommend the establishment of an open-ended working group and an independent expert;

(e) Called upon the Secretary-General to ensure that the Working Group and the independent expert received all necessary assistance required to fulfil their mandates;

(f) Requested the Secretary-General to submit to the General Assembly at its fifty-third session (see General Assembly document A/53/268) and to the Commission on Human Rights at its fifty-fifth session a comprehensive report on the implementation of the various provisions of the resolution.

2. In accordance with paragraph 9 (e) of resolution 1998/72, a note verbale dated 2 September 1998 was sent to all Permanent Missions accredited to the United Nations Office in Geneva with a view to collecting information on the follow-up to the Declaration on the Right to Development.

3. As of 14 December 1998, replies had been received from the Governments of the Islamic Republic of Iran, Lebanon, Morocco and Portugal. Those replies are summarized in the present document.

REPLIES RECEIVED FROM GOVERNMENTS

Islamic Republic of Iran

4. The Government of the Islamic Republic of Iran reaffirms that article 28 of the Universal Declaration of Human Rights stipulates that the full realization of human rights requires a just and equitable international social order.

5. Today, the full realization of the right to development is still far from satisfactory, although it has been recognized and accepted as a universal and inalienable right and is evolving in a dynamic way. The emergence of new obstacles makes it necessary to accompany the implementation and realization of the right to development with a process of international cooperation, as stipulated in the Vienna Declaration and Programme of Action.

6. Given the national and international dimensions of the right to development, its treatment needs to be appropriately addressed in an integrated and multidimensional context. The development process requires the adoption of effective development policies at the national level and the establishment of equitable economic relations and a favourable economic environment at the international level.

7. The international trading system should be reformed in a way not to lead to inequitable distribution of development benefits among countries. In particular, measures should be taken to ensure that the less economically developed countries do not suffer losses from the rules and regulations governing international trade. These rules should be adapted as necessary to enable the realization of the right to development.

8. The Government of the Islamic Republic of Iran believes that setting new international norms containing legally binding principles for directing the development policies of States is well justified and timely. Moreover, strengthening the follow-up mechanism to oversee the implementation of the recommendations of the open-ended working group of the Commission on Human Rights is inevitable and there must be a forward-looking and action-oriented approach in this regard.

9. Transboundary effects of unilateral coercive measures, policies and practices on the economy, development and human rights of peoples in other countries is another issue that merits due consideration. Regrettably at present, some countries continue to use their predominant position in the world economy to intensify extra-territorial application of domestic legislation against others, which is in contravention of international law; these practices sometimes prevent targeted countries from fully exercising their right to determine their political, economic and social systems; the right to development cannot be advanced in such an environment.

10. The Islamic Republic of Iran is concerned that human rights are becoming a conditionality for loans, aid or trade. As a result, particular policies are imposed on recipient countries, thereby affecting negatively the full enjoyment by the peoples of those countries of their right to development.

11. Foreign debt has been and remains one of the most acute factors adversely affecting economic and social development and the standard of living of the inhabitants of many developing countries. It has a negative impact on their development efforts, as a substantial share of national resources is diverted to service and repay these debts. Besides, the content and procedures of structural adjustment programmes and policies should be reviewed in terms of their effects on development possibilities and options and the realization of the right to development.

12. The Government of the Islamic Republic of Iran believes that an effective mechanism should be established to coordinate macroeconomic policies at the global level so as to ensure that the needs and rights of developing countries are fully taken into account. A proper balance between developed and developing countries must be created in decision-making processes, in particular on global financial issues and monetary issues in the Bretton Woods institutions and the World Trade Organization.

13. Regarding the crucial issue of human resource development in the context of a rapidly changing world, Iran believes that it should not be confined to the narrow scope of economic advancement, and should encompass all aspects of development, including the social, cultural and spiritual dimensions of development.

14. The Islamic Republic of Iran to date has formulated and implemented two development plans in which, notably, the private sector is encouraged to take a more active role in educational, medical and a wide range of other social activities, given the increased demand for better social services. In a number of initiatives it has also strived to promote regional cooperation and develop intraregional economic agreements.

15. Finally, prioritizing and concentrating on the development of the country, the Government has drastically cut down defence expenditures to one of the lowest levels in the region. This policy will be vigorously pursued by the Government, which hopes that other countries in the region would, for the sake of maintaining regional and international peace and security, adopt similar approaches.

Lebanon

16. The Government of Lebanon strictly respects the human right to development, as recognized by the General Assembly of the United Nations, and wishes to affirm that this right is a basic human right, the concept of which embraces the economic, social, cultural, civil and political rights of the human person.

17. The strategy that the Government is pursuing in its activities and programmes of action is based on the principle of decentralization, in the sense that the central administration is the focal point for planning, programming, training and direction, while the regional offices, social affairs departments and developmental services centres that operate in all the regions of Lebanon act as miniature ministries of social affairs thus rendering a variety of services in all economic, health, social, educational and vocational fields to all citizens, trying to understand problems and needs at the local level and earnestly endeavouring to find appropriate solutions thereto.

18. The Government emphasizes that, since human beings are the main targets of development, its developmental policy is geared to meet their needs through the provision of services suited to their situations and their environment.

19. The Government undertakes social and health development projects in collaboration and association with public institutions and local

municipalities, associations, clubs and bodies in such a way as to enable local communities to participate in the planning, supervision and implementation of these projects through joint committees established to that end.

20. One of the main aims is to promote sustainable development, meet the needs of the population and tackle the problems from which Lebanese families and their members are suffering, particularly by:

(a) Enabling women to play a more effective role as persons with a basic right to development, by way of development projects that provide families with economic support, encourage handicrafts and promote private production projects in the agricultural sector;

(b) Caring for marginalized groups, such as the disabled, orphans and widows, who need vocational training in order to become active members of society;

(c) Addressing the situation of delinquents, including beggars, vagrants and prisoners, and combating drug and alcohol abuse;

(d) Promoting the role of the young by encouraging the establishment of social and cultural clubs and by helping them to become core groups in furthering the development process;

(e) Stimulating public awareness in local communities and identifying local leaders who can be organized and trained to participate in the assessment and satisfaction of needs, thereby helping to realize the right to development.

21. The Government cherishes the human right to development as a basic right and implements development projects and programmes in all regions of Lebanon with a view to ensuring social justice.

Morocco

22. Morocco, a developing country keen to build a modern state that abides by universally recognized human rights, espouses the principles and actions for realizing the right to development as reaffirmed in resolution 1998/72 of the Commission on Human Rights.

23. In line with the Government's statement of 17 April 1998, Morocco is pursuing a new political direction based largely on the principles implicit in the right to development, namely the strengthening of international cooperation, modernization of the civil service, the judiciary and the educational system, the elimination of poverty, improvement of the primary health-care system, facilitation of access to low-cost housing, and strengthening of the status of women in economic, social and cultural life.

24. Through active participation in the appropriate forums, Morocco will contribute to the smooth operation of the follow-up mechanisms represented by the independent expert on the right to development and the open-ended working group.

25. In the opinion of Morocco, it is vitally important that the effective realization of the right to development should be underpinned by renewed international cooperation between North and South, in particular by relieving developing countries' foreign debt.

Portugal

26. The Government of Portugal recognizes that the issue of the elimination of social exclusion and poverty is of particular importance. A situation of poverty reflects deprivation, and social exclusion prevents a number of groups from exercising their right to citizenship and consequently enjoying their right to development.

27. Several measures are being implemented to combat poverty and social exclusion. The Minimum Guaranteed Income (MGI) created by Law No. 19-A/96 of 29 June 1996 was a political measure to ensure social cohesion. At present, MGI, which is funded by the State budget, is considered as a supplement to voluntary, local-initiative programmes to combat poverty.

28. Future perspectives and challenges depend on the capacity to integrate MGI with other existing mechanisms at the national level, the State playing a major coordinating role. However, there are concerns about the chances of the supported population being absorbed by the labour market in a reasonable time frame. In these circumstances, adequate training will enable them to initiate their own job creation.

29. A subprogramme on Economic and Social Integration of Underprivileged Social Groups (INTEGRAR) comprises measures to support social development, economic and social integration of the long-term jobless and the disabled; it also addresses the rehabilitation of support facilities for these groups.

30. The right to adequate housing is enshrined in article 65 of the Portuguese Constitution. The State has the obligation to devise, programme and conduct a housing policy. The focus on this subject stems from the huge homeless population, confined to major urban centres. This situation has led the Government to adopt or support the following initiatives:

The URBAN Programme jointly funded by the European Union, the central administration, the local administration and the private sector, aims at developing urban areas and promoting social development where and when necessary;

The Institute for Management and Alienation of the State's Housing Estate (IGHAPE) launched the RAINBOW Operation in 1996 to increase the housing capacity, especially where poverty and marginalization were rampant;

A number of housing initiatives have been launched to support low-income families (relocation programmes, or the PER programme), promotion of controlled-cost housing for the lower-middle class or even access to housing in a regulated free market (Renting by Young People and RECRIA).

31. At the international level, Portugal seeks primarily, at the European level, to promote a global and coherent framework regarding human rights as its Government did during its Presidency in 1992 when it presented a working document on the subject. As a donor country, Portugal is a member of the Development Aid Committee (DAC) within OECD.

32. At the multi-bilateral level the Government initiated the creation of the Community of the Portuguese Speaking Countries which includes human rights as one of the guiding principles in article 5 (e). Its six partners 1/ benefit from its diverse policy regarding sustainable development.

33. The Government of Portugal is also concerned by other factors affecting the full enjoyment of the right to development nationally and elsewhere, notably: external debt, environment, access to drinking water.

1/ Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and Sao Tomé and Principe.